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Fifty-first session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 February 1995, at 3 p.m.

Chairman: Mr. BIN HITAM (Malaysia)

later: Mr. DOBREV (Bulgaria) (Vice-Chairman)

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The meeting was called to order at 3.25 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (item 7 of the provisional agenda) (continued) (E/CN.4/1995/25, 101, 124, 125 and 127; E/CN.4/Sub.2/1994/9 and Corr.1; E/1994/23; E/1994/L.23; E/C.12/1994/12)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 8 of the provisional agenda) (continued) (E/CN.4/1995/11, 26, 27, 114 and 124; E/CN.4/1995/NGO/7; A/49/653)

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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 18 of the provisional agenda) (continued) (E/CN.4/1995/81 and 130; A/49/537)

1. Mr. BOITCHENKO (Russian Federation) said that one of the tasks following the end of the cold war was to restore the organic link between the various human rights. A formula must be found to balance the rights of the individual against the security and stability of society. There should be no attempt, however, to establish any kind of hierarchy, since that would run counter to the principle of the universality of human rights, as laid down by the Vienna Declaration. On the other hand, it was impossible in practice, for example, to guarantee equal remuneration for equal work without forbidding workers to set up independent trade unions. It would also be naive to assume that a society that lacked free primary education or proper social insurance would be exemplary in observing democratic principles or the primacy of the rule of law. In short, an imbalance between social, economic, cultural, civil and political rights led to social tension, instability and sometimes even violence.

2. The current social state in Russia was not of the happiest. The transition from totalitarianism to democracy, from a planned to a market economy, was inevitably reflected in the country's critical condition. Radical changes in the political system had highlighted serious deficiencies in many aspects of national life. His Government understood that social development was closely linked with human rights and was therefore undertaking a whole range of measures and programmes to that end. Social-protection measures for categories of the population most needing support were gradually finding their way on to the statute book, on the basis of international standards. Such moves were closely bound up with the success of democratic reform.

3. It was exceptionally important for the Russian Federation that a formula for social development should be found which took account of the close links between the resolution of social problems, human rights and the effective functioning of democratic institutions. It therefore placed great hopes in the World Summit for Social Development, which should be directed at specific, effective measures for resolving social problems in all States. If countries such as his own were to make a successful and not too painful transition to a market economy, real support from the international community was needed to ensure the success of social-protection reforms.

4. His delegation considered that the scope of the International Covenant on Economic, Social and Cultural Rights should be extended. The rights contained in the Covenant should be defined more precisely, the minimum basic rights being clarified; there should be wider participation by non-governmental organizations and specialized United Nations bodies in the Committee on Economic, Social and Cultural Rights; and work on the optional protocol on the complaints procedure should continue. In addition, coordination between the various United Nations bodies concerned with social and economic rights and those concerned with civil and political rights should be improved.

5. At the heart of the current reforms taking place in his country was the fact that people had been alienated from the decision-making process, feeling unable to participate in the social, economic and political development of the country. The aim was to create conditions appropriate for the full development of the individual and the realization of his rights and freedoms. For that reason his Government supported the conclusions of the World Conference on Human Rights regarding the interdependence of democracy, development and respect for human rights and the similar views expressed by the Working Group on the Right to Development, whose work it applauded.

6. He was glad to note from the Secretary-General's report (E/CN.4/1995/80) that progress had been made with regard to the succession of States in respect of international human rights treaties and to the accession or ratification of those treaties by States successors to the former Yugoslavia, the former Soviet Union and the former Czechoslovakia. At the same time, it was worth noting that - to the concern of the chairpersons of the human rights treaty bodies - a number of successor States had not yet formally confirmed their succession to the Secretary-General. The Commission should add its voice to urge the successor States to confirm their succession to those treaties as soon as possible, expressing itself, as in previous years, in the form of a resolution by consensus.

7. Miss ESCOBAR (El Salvador) said that the international human rights instruments and the corresponding treaty bodies constituted an essential pillar of the universal system for the protection of human rights. The reports submitted by the Secretary-General under agenda items 17 and 18 indicated that progress was being made, however slowly, towards the universal acceptance of the human rights instruments, even though it was regrettable that none of them had attained universal ratification to date. El Salvador, which had itself ratified in 1994 some important international human rights instruments, both global and regional, called upon those States which had not yet done so to accede to or ratify the various instruments.

8. Her Government was also convinced of the importance of the effective implementation of the international human rights instruments, including their reporting obligations. Despite the social disruptions caused by the recent conflict, El Salvador had already submitted reports in fulfilment of its international obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Country reports had also been submitted to the Committees responsible for the implementation of the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

9. Because of its own experiences, El Salvador was aware of the difficulties which certain States might have in fulfilling their reporting obligations. Her delegation nevertheless believed that the fulfilment by States of their contractual obligations facilitated a constructive dialogue and international cooperation and thus contributed to the efforts to bring about a world of peace and justice based on respect for human rights and fundamental freedoms. In that connection, it supported the efforts being made to simplify, rationalize and improve reporting procedures and took note of the conclusions and recommendations in that regard submitted to the General Assembly at its forty-ninth session.

10. Mr. LEMINE (Mauritania) said that, having recognized the right to development as a universal and inalienable right of all individuals and all peoples, the international community was faced with the challenge of giving practical effect to that right. The Working Group on the Right to Development had devoted considerable effort to that task and his delegation therefore supported the recommendation, contained in paragraph 98 of its report (E/CN.4/1995/27), that it should be permitted to hold two more sessions in order to complete its work.

11. All human rights complemented and reinforced each other and no Government, whatever its political complexion, could protect one category of human rights at the expense of another. The 1986 Declaration on the Right to Development recognized the multidimensional nature of that right and defined it as a global process with economic, social, cultural and political aspects, of which the human being was the central subject. More than eight years after the adoption of the Declaration, however, poverty had become still more widespread and, for many countries, the 1980s had been a lost decade in terms of development. Human rights advocates should recognize that reality and remember that poverty and the lack of development were a hotbed of authoritarianism and constituted a threat both to nascent democracies and to international peace and security. Indeed, poverty and the absence of development not only made a mockery of the enjoyment of human rights but also jeopardized the recognition, however formal, of those rights.

12. The campaign for human rights was first and foremost a struggle against poverty and underdevelopment. The main responsibility for that struggle clearly lay with the Government concerned, which should mobilize national energies, judiciously exploit the natural resources of the country and create the conditions for full popular participation in the process. National policies were not, however, sufficient in themselves. Experience had shown that the painful reforms carried out by developing countries brought only

limited results unless those efforts were supplemented by international cooperation and genuine solidarity. Indeed, in order to break the vicious circle of underdevelopment and promote fundamental human rights, it was essential to promote international development cooperation and to establish equitable international economic relations and an international environment favourable to the developing countries.

13. Despite the fact that a number of high-level international conferences had confirmed that diagnosis, illiteracy, unemployment and disease continued to affect larger and larger sectors of the world's population. That situation called into question the credibility of the international community as a whole, whose verbal commitment to the struggle against poverty was not being translated into practical action. The result was that doubt and scepticism had set in and international meetings were beginning to be perceived as a waste of resources.

14. At the national level, a similar situation existed in which no effect was given to formal guarantees of human rights because of Governments' lack of resources and the lack of interest on the part of the ordinary people, who were more concerned with problems of daily survival. It was therefore understandable that millions of human beings looked to the future with great apprehension.

15. The international community could not remain indifferent to a situation which was not only offensive to human dignity but potentially dangerous to the world as a whole. It must assume its responsibilities and establish an international climate favourable to global, sustainable and harmonious development in which economic and social progress were given equal emphasis.

16. Mr. VILLARROEL (Philippines) said that one of the most effective steps that any State could take to strengthen its human rights regime was to become a party to the international human rights instruments. His delegation noted with satisfaction, therefore, that 176 of the 185 States Members of the United Nations and 4 non-member States were parties to one or more of the six principal human rights instruments. The Philippines being party to all six, he called upon the Governments acceding to those instruments to refrain from making reservations that vitiated their purpose and spirit.

17. On the other hand, while his delegation recognized that full and effective compliance with international treaty obligations was an essential component of an international order based on the rule of law, it had some difficulty in accepting the notion that failure to report was in itself a violation of international law. It preferred to believe that the inability of some countries to live up to their reporting obligations was due less to their unwillingness to comply than to the complexity of the reporting process.

18. On the question of the reform of the reporting system, careful consideration should be given to the recommendation that the number of treaty-monitoring bodies be reduced to one only, in order to minimize duplication and unnecessary reporting. Unless the system was reformed, it would continue to undermine the effective functioning of the treaty bodies and jeopardize the achievement of the goal of universal ratification of international human rights instruments. While computerization of the work of

the treaty bodies and greater coordination and interaction among them would no doubt lessen the overlap and redundancies, those were at best stop-gap measures and not a definitive solution. He therefore welcomed the intention expressed by the Australian delegation to consult widely during 1995 with other interested delegations in a substantive effort to overhaul the system.

19. One of the significant achievements of the treaty body system was the creation of human rights standards which had changed people's perception that human rights violations were a necessary or an inevitable evil. It would be most regrettable if that process were threatened by potential conflicts in monitoring and compliance.

20. Ms. RAMLI (Malaysia) said that her Government made no distinction between the promotion of economic, social and cultural rights and that of the right to development. Moreover, with respect to civil and political rights, no one set of rights was subsumed by the other. Her delegation believed that the Vienna Declaration and Programme of Action would encourage the consideration of all human rights, including the right to development, in a comprehensive and holistic manner. The forthcoming World Summit for Social Development would further reinforce that approach, by spelling out clearly the overall concept of human security. It was therefore high time to put an end to the old polemical debates, assertions of cultural and societal superiority and the use of selective aspects of human rights as a political tool.

21. Malaysia, a pluralistic and multicultural society, was committed to the promotion of economic, social and cultural rights and to the right to development. On the road to nationhood and modernization, it had learnt many lessons and at a heavy cost.

22. The current international scene was characterized by constant crises of nationhood and survival in many regions. Some countries appeared to be going nowhere, with years of efforts not being sustained and the expectations of their peoples unfulfilled. Even among the developed countries, contradictions and polarizations reflected flaws in their development philosophy. There was increasing evidence of serious poverty, homelessness and joblessness, while rampant crime and drugs pointed to a loss of national direction. Changes in unsustainable production and consumption patterns and in unbridled individualism were therefore needed in the developed countries.

23. The international community was also faced with the spectre of racism and divisive ethnic challenges in the most unlikely of the world's regions. The situation in Bosnia and Herzegovina, for example, was a serious indictment of the civilization of the region and raised serious questions about the protection of social and cultural rights there. Elsewhere in the same region, there were ominous tensions resulting from differences of colour, culture and religion. It was inconceivable, for instance, that there should be a national convulsion over the right of a group to wear scarves over their heads. All regions must accept pluralism and multiculturalism, since the idea of a pure homogeneous society with a single set of values henceforth reflected intolerance and contradicted claims that human rights were being prctected.

24. Governments must accept primary responsibility in the area of development. A hostile external economic environment was no excuse for

prolonged bad governance. In that regard, the developing countries had learned much about governance, responsibility and accountability to the people. Political power could endure only if mandates were renewed by the people through the democratic process. Empowerment, particularly for vulnerable groups such as women and minorities, must replace the politics of élitism and special interests.

25. On the eve of the World Summit for Social Development, it was high time that Governments and societies recognized the inadequacies of previous international efforts genuinely to address the issue of widespread poverty at a time of technological and scientific advances. At the national level, growth must be tempered by equity and social responsibility. The interplay of sheer market forces in pursuit of economic indices could not but widen the disparity between the rich and poor and lead to further marginalization. Governments had a role to play in that regard by redirecting priorities and mitigating the harsher tendencies of the private sector. At the international level, efforts to combat poverty had been distressing failures and a collective commitment was necessary to address the issue of poverty in a global programme of action with clear means of implementation.

26. In the 1960s and 1970s, many developing countries had adopted the development models proposed by the World Bank, often with disastrous results. Some, for example, had cut down forests to start plantations producing primary commodities whose prices suffered from severe price fluctuations. Many of those countries continued to be casualties of dependence on single commodities in an unpredictable international market. The external economic environment remained harsh for developing countries, whose debt burden and structural adjustment policies had an adverse impact on their social sectors. The World Summit for Social Development should consider the need for coherence and coordination at the macroeconomic level between the United Nations and the Bretton Woods institutions.

27. One of the major constraints on the implementation of the right to development was the inadequacy of transfers from multilateral, bilateral and private sources. A second constraint was the limited resources allocated to the social sector. International lending agencies, donor countries and the private sector should therefore reorient their approach to the distribution of development assistance.

28. The developed countries should also review the current international financial and monetary system, which often ignored the realities of developing countries. Despite commitments at the highest level, it was clear that new and additional funds would not be forthcoming. Indeed, official development assistance (ODA) remained at best stagnant and the target of 0.7 per cent of gross national product was fast becoming a pipedream.

29. To make matters worse, the developed countries were making serious efforts to erode whatever comparative advantage the developing countries might enjoy, under the guise of overcoming unfair competition and protecting the environment and the rights of workers. The so-called social and environmental clauses were a repackaging of thinly veiled protectionist measures designed to reduce the competitiveness of the developing countries.

30. Her delegation supported the conclusion by the Working Group on the Right to Development that the international community should continue its efforts to implement that right. In that connection, it was regrettable that the mid-term review programme of the Centre for Human Rights did not include the right to development as one of its subprogrammes. Her delegation also supported the Working Group's proposal that a permanent evaluation mechanism be established to monitor the implementation of the right to development.

31. Mr. Dobrev (Bulgaria), Vice-Chairman, took the Chair.

32. Mr. CAPO-CHICHI (Benin) said that economic, social and cultural rights and the right to development were two fundamental sets of rights the denial of which represented the choice of inaction and repudiation. His Government had made a conscious decision to move in the direction of progress. Since its 1990 national conference, Benin had been striving to build the institutional structures and systems which would ensure peace and liberty for all its citizens. Indeed, the triumvirate of human rights, democracy and development informed every project and activity in the country. A democratic system which supported development initiatives was gradually taking form. Efforts were also being made to meet needs in the vital areas of health, food, education, housing and employment. Special attention was being paid to the most vulnerable groups; women and youth were being progressively integrated into the social system.

33. The important role played by the Centre for Human Rights, the Commission on Human Rights and other human rights bodies was widely acknowledged. In that connection, he commended the High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights on their tireless efforts to advance that noble cause. His Government would continue to support those efforts and to accord priority to the various human rights instruments by adapting its domestic legislation to the international standards.

34. The World Summit for Social Development and the celebration of the fiftieth anniversary of the United Nations would provide excellent opportunities for reflection on human rights issues, particularly the right to development and economic, social and cultural rights. It was to be hoped that the opportunity would be taken to lay the foundations for further progress in those areas.

35. Mr. HASHIM (Bangladesh) said that the proliferation of international human rights instruments had given rise to a complex system of overlapping treaty bodies, each needing adequate resources. There was thus a need for an ongoing review of the work of those bodies, the main objective of which should be to ensure the realization of the rights set forth in the international instruments. In order to maintain their credibility and legitimacy, the treaty bodies must conform to the highest legal standards. They should conduct their work in a determined, pragmatic and professional manner. Any tendencies to act outside a strictly legal framework must be avoided. There was no room for personal bias or interest in the procedural or substantive work of such bodies, and their members must guard against hasty remarks and conclusions based on unsubstantiated reports.

36. Yet, there was, in fact, a wide divergence in the manner in which the various treaty bodies conducted their affairs as well as in the behaviour of their individual members. Members of treaty bodies tended to use either an adversarial or cooperative approach depending on their background and training. The cooperative approach was clearly more effective. In general, treaty bodies should strive for uniform, non-discriminatory and impartial conduct. Failure to do so might discourage potential adherents to international instruments. In that same connection, the procedures for reporting to treaty bodies needed to be simplified and States presenting their reports should be listened to with tolerance.

37. A particular treaty body should not assume that its objectives had priority over those of other bodies. Human rights constituted an integrated and indivisible phenomenon. The close connection between development and the enjoyment of other rights meant that certain countries, while desiring to fulfil their treaty obligations, might not be able to do so because of a lack of resources.

38. The High Commissioner for Human Rights might wish to consider the possibility of drafting, in consultation with the State parties, the chairpersons of the treaty bodies and legal experts, a comprehensive code of conduct for members of treaty bodies and for the treaty bodies themselves.

39. Mr. GOONETILLEKE (Sri Lanka) said that the right to development was being pursued by three fifths of the world's population, whose struggle to develop their potential to a minimum standard had been a long and tedious one. Their natural resources and the fruits of their labour had been diverted to enrich and strengthen the colonial powers - an injustice for which they had never been compensated - and their right to development had only recently been recognized by the international community and international financial institutions. Those institutions, moreover, were controlled by the former colonial powers, which were using protectionism, structural adjustment and the imposition of labour standards to maintain their privileged position. The only possible response of the peoples of the developing world was to form a united front to recover what was their due.

40. In addition to the adverse effects of colonialism, progress towards development had been impeded by corruption, mismanagement and diversion of resources for militarization by the leaders of some countries in the post-colonial period.

41. His delegation supported the view that the right to development should be given priority on the international agenda and monitored through an effective international mechanism and should be an integral part of the activities and programmes of the United Nations system and the international financial institutions. It welcomed the observations and recommendations of the Working Group on the Right to Development (E/CN.4/1995/27), which reflected the Commission's more balanced treatment of civil and political rights and economic, social and political rights. The persistent denial of economic, social and cultural rights to the vast majority of the world population restricted the individual's ability to "participate", an essential attribute of his or her right to development.

42. Since the adoption of the Declaration on the Right to Development in 1986, the concept of development had been further clarified. The Cartagena Commitment, adopted at its eighth session by the United Nations Conference on Trade and Development, referred to "a new partnership for development"; the United Nations Conference on Environment and Development had emphasized the need for environmentally sustainable development; the World Conference on Human Rights had reiterated the link between democracy, development and human rights and the right had been given practical recognition at the International Conference on Population and Development. However, he cautioned against a fragmented approach that overlooked the principal underlying economic objectives in any further broadening of the concept of the right to development.

43. Noting that the Working Group had stated in its report that "peace is essential for the realization of the right to development, just as development is essential for the settlement of disputes and putting an end to war" (para. 72), he said that the nexus between peace and development was often exaggerated. Peace was not the mere absence of war; the essential ingredients of peace were contentment and a sense of fulfilment. Only in that atmosphere could individuals develop their potential. One important aspect was the economic and social standing of the individual concerned; so the right to development was the cornerstone of an overall human-development strategy which accommodated economic, social and cultural rights as well.

44. The Working Group's report suffered from a fragmented approach, due to the ongoing controversy characterizing the North-South divide with regard to the unequal treatment of human rights. However, his delegation appreciated the comprehensive treatment given by the Working Group to the obstacles to the achievement of development. While generally in agreement with the factors listed, it believed that negative development occurred as a result of the irresistible influence of unfavourable economic forces at the international level rather than as a result of deliberate policies adopted by Governments.

45. The interplay of the forces of international economic relations naturally determined the form and degree of democracy available in each country. In that context, he was interested in the comments by some non-governmental organizations that democracy was not an end in itself and that it must facilitate the struggle against poverty, marginalization and exclusion and lead to the eradication of inequalities. Since August 1994, his Government had taken several positive steps to alleviate the causes of inequality in Sri Lanka, realizing that the main obstacle to the effective participation of the people in the development process was marginalization as a result of poverty.

46. The Samurdhi Movement it had initiated was meant to empower the marginalized sections of society. It was designed to upgrade the self-reliance and creativity of individuals, as primary components of the family. The Movement formed part of the Government's larger vision whereby it hoped to integrate women, unemployed youth and other vulnerable groups into the mainstream of the country's social and economic life and thus help realize its main objective, namely, an overall, integrated development, that would guide the people of Sri Lanka to prosperity.

47. Mr. MENESES (Ecuador), speaking on item 7, said that democracy, freedom, development and human rights were closely interlinked and peace was a key element in ensuring their preservation. Unfavourable economic conditions were an obstacle to peace and had to be addressed in a spirit of international solidarity. Foreign debt servicing, unfavourable terms of trade, resurgent protectionism, the transfer of resources from the South to the North and the widening technology gap were leading to the pauperization of large sectors of the world's population. Development assistance would promote democracy and respect for human rights and the international community had a duty to help States provide a decent life for their citizens.

48. More emphasis should be placed on economic, social and cultural rights in United Nations activities. His Government advocated the appointment of special rapporteurs on the right to adequate housing, human rights and the environment, and the relationship between the enjoyment of human rights and national and international income distribution. It also welcomed the recommendations by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the High Commissioner for Human Rights should cover that category of human rights in his work and that country rapporteurs should refer to them in their reports.

49. His delegation took note of the recommendations of the seminar on extreme poverty and the denial of human rights (E/CN.4/1995/101) held in October 1994 with the assistance of the Centre for Human Rights and the Sub-Commission's Special Rapporteur on human rights and extreme poverty and with the participation of persons living in conditions of extreme poverty. The most important recommendations were those concerning education, the strengthening of the International Covenant on Economic and Social Rights, including the establishment of the individual or collective complaints procedure, as proposed by the Committee on Economic, Social and Cultural Rights, and special provision for women, children and the family as the fundamental group of society and the natural environment for the growth and well-being of its members.

50. Turning to item 8, he said that his country recognized the right to development as a universal and inalienable individual and collective right. Development efforts should focus on the achievement of such broad social aims as the elimination of poverty, job creation, and high-quality education and health services.

51. The right to development for future generations called for peace in international relations and the promotion of participatory forms of government conducive to integrated social development. The Commission had a duty to urge the international community to join forces to implement the Declaration on the Right to Development by alleviating poverty, hunger and malnutrition, combating violence and corruption, providing adequate housing, public services and a clean environment, promoting popular participation and addressing the problems of unemployment and foreign debt. The effectiveness of such action would depend on the assistance of the rich countries and the democratization of the international financial institutions. The Commission should also recognize the important role of non-governmental organizations in securing the right to development.

52. His delegation endorsed the conclusions and recommendations in the report of the Working Group on the Right to Development (E/CN.4/1995/27), which should be transmitted in its final form to the General Assembly at its fiftieth session.

53. The Agenda for Development (A/48/935) submitted by the Secretary-General to the General Assembly indicated how the United Nations might help to lay the foundations for a universal culture of development. The forthcoming World Summit for Social Development would provide an opportunity to place social development at the top of the international agenda.

54. At the Summit of the Americas held at Miami in 1994, the participating heads of State and Government had recognized the need to work together for democracy, development, economic integration and free trade in order to improve the lives of their peoples and protect the environment for future generations.

55. The participation of the individual in shaping his environment, as a subject and object of development, called for far-reaching structural changes and a rethinking of traditional concepts of development, security and international cooperation. To that end, his Government had launched a Programme of Social Justice with Development, designed to improve living standards for the less fortunate and to channel the country's own resources and those obtained through international assistance into projects benefiting all sectors of the population.

56. Mr. KOVAL (Observer for the Ukraine) said that the enjoyment of economic, social and cultural rights deservedly remained a top priority on the Commission's agenda. The last decades of the century had seen a growing awareness of the need energetically to promote and protect human rights. His Government saluted the efforts of the international community, in line with the Vienna Declaration and Programme of Action, to put human needs at the centre of the development process and international cooperation. He trusted that the World Summit for Social Development would take the process a step further. The Commission's work would make a significant contribution to the preparations for that Summit.

57. The Ukraine had been a party to the International Covenant on Economic, Social and Cultural Rights since 1976 and regularly submitted reports to the appropriate Committee. It considered that such action was a good way for countries to ensure the realization of the rights contained in the Covenant. Like other countries in Central and Eastern Europe, Ukraine had lived through some years of great change and a complex period of transition to democracy and a free-market economy. Such a transition had involved radical change not only in the social and economic spheres, but also in individual attitudes. The radical reform of the economy would continue to have a profound impact on the standard of living for many years to come; economic difficulties and the deterioration of social protection would continue to be an obstacle to the full enjoyment of economic and social rights, as was shown by diminishing production, inflation and the fall in incomes. On top of that came the continuing expenses arising out of the disaster at the Chernobyl nuclear power station.

58. There were grounds for optimism, however: the reforms undertaken by the President - recently elected by universal suffrage - had been supported by help from the international community and monetary institutions, including the International Monetary Fund. A start had been made with privatization, particularly of small and medium-sized enterprises; inflation was slowing down; and wages had risen slightly. The reform of property laws would, moreover, be a boost to the social and economic freedom of the individual, thus making society more democratic.

59. Economic reform involved major restructuring of the whole social context. Every effort was being made to safeguard social rights, however, particularly by avoiding massive unemployment. Social protection had to become more flexible and be targeted at the groups most affected by the transition to the market economy, such as certain categories of young people, retired people, disabled people and low-income families.

60. Despite its difficulties, the Ukraine was experiencing a period of social and inter-ethnic stability, thanks to a balanced policy of maintaining social cohesion while working for the independent development of a new country. It had thus made its own contribution to the stability of Eastern Europe and the world. In that context, Kiev was shortly to host an international congress "For a world without extremism and without fascism", to which he invited all interested bodies.

61. Mr. KARIMIAN (Observer for the Islamic Republic of Iran) said that the promotion and protection of human rights constituted a legitimate concern, provided that the principles of non-selectivity and objectivity were observed, unaffected by any political considerations. Rights were not confined to individuals but extended to the peoples and nations of the world, entitling them to build their political and economic structures in a free environment.

62. All rights were universal, indivisible and interdependent, yet there was a regrettable tendency to give little prominence to economic, social and cultural rights and to the right to development. Important as civil and political rights were, the causes of the violation of those rights, often rooted in economic and social injustices, were not adequately addressed. Although the right to development was, according to the Declaration on the Right to Development, a universal and inalienable right, in practice human development had followed the reverse direction. All States shared responsibility for preventing a deterioration in the situation, but the most decisive role was that of the international political, economic and financial institutions, combined with the industrialized and developed nations.

63. The social plagues of extreme poverty and underdevelopment had reached alarming proportions. Half a million children died of hunger every year, while 13 million died from diseases linked to malnutrition. There were clear indications that much of the blame lay with the policies imposed by the international financial institutions, commercial banks, transnational corporations, Governments and donor agencies. Such issues as unfair commodity prices and terms of trade caused environmental destruction, poverty, hunger, disease, unemployment and other violations of human rights. The tragic consequences of the current unjust international order deeply affected the democratic process in both national and international decision-making.

The global economic, financial and trade system should thus be restructured in order to meet the needs of the people and not merely profit the few.

64. Another dimension of the development process was the question of military expenditure; if the arms race and the arms trade were ended, with a drastic reduction in military expenditure and its diversion to development programmes, human development would be greatly improved. The conditions conducive to disarmament would thus be created, providing the environment and the confidence for the successful pursuit of development. Equally, the development process could enhance security and development in the world. Military force would inevitably be used to maintain the status quo, as long as 20 per cent of the world's population consumed 80 per cent of the world's resources and energy. The situation would change only if economic, political, legal and social systems were radically transformed.

65. He wished to express his appreciation of the efforts of the Working Group on the Right to Development. The identification of the obstacles to the right to development would provide a solid basis for future work on that issue.

66. The Working Group had recognized the existence of an unfavourable international climate in the fields of development and human rights. As a consequence of the globalization of the world economy, new obstacles to the right to development had emerged including restraints on the freedom of Governments to determine their own economic policy. Structural inequalities, the debt burden, protectionism, deteriorating terms of trade and declining aid flows had been cited by a number of Governments as hindering the full realization of the right to development. Other obstacles included the conditionalities imposed on debtor countries by international financial institutions and the lack of effective governance.

67. His delegation was in favour of establishing a permanent evaluation mechanism to monitor the implementation of the Declaration on the Right to Development. The establishment of a focal unit especially designed to follow up the Declaration would also be an effective measure.

68. He was convinced that the forthcoming World Summit for Social Development would be a major step forward in making the provisions of the Declaration on the Right to Development a reality.

69. Mr. FASEHUN (Observer for Nigeria) said that many countries in the developing world suffered so greatly from poverty and debt that they were unable to participate in the contemporary technological and social revolutions. The gap between rich and poor countries had serious implications for international peace and security. In consequence, the international community had sought to focus attention on the right to development and the promotion of economic, social and cultural rights, although views diverged as to whether the responsibility for development should be primarily at the State or the international level.

70. The international community was no closer to full realization of economic, social and cultural rights than when it had adopted the International Covenant on the topic in 1966. For many developing countries, small achievements in the areas of economic and social development had been

eroded by foreign debt, structural adjustment programmes and unequal terms of exchange. Poverty continued to be a major problem in many developing countries, particularly the least developed countries.

71. According to the Secretary-General's report (E/CN.4/1995/25), foreign debt prevented many States from meeting their primary obligation to create an environment conducive to the full realization of economic, social and cultural rights and the right to development. The debt problem also undermined democracy, development and human rights. He supported the suggestion, contained in paragraph 39 of the report, that the countries members of the Organisation for Economic Cooperation and Development (OECD) should ensure full disbursement of 0.7 per cent of their gross national products (GNP) as official development assistance (ODA) at the earliest time; provide debt relief in general and in line with the Programme of Action for the Least Developed Countries; and augment development assistance.

72. In its report (E/CN.4/1995/27), the Working Group on the Right to Development had identified several obstacles to the right to development. Its report also contained a number of practical ideas and merited close attention. His delegation fully agreed that there should be greater emphasis on economic, social and cultural rights in order to ensure the enjoyment of all fundamental rights, which were indivisible. It endorsed the Working Group's suggestion that its final report should be considered by the General Assembly in the context of the fiftieth anniversary of the United Nations.

73. The World Summit for Social Development should not limit itself to a review of the current situation but should elaborate a concrete programme of action, the first step of which should be the cancellation of the debt of debt-burdened countries and an increase in ODA. That was the only way in which the world could move closer to the realization of the right to development and the enjoyment of economic, social and cultural rights.

74. Mr. MELIK-CHAKHAZAROV (Observer for Armenia) said that his Government accorded high priority to human rights issues and to the implementation of the international instruments in that area. That priority had been reflected in the way it had chosen to achieve its independence and its efforts to build a State subject to the rule of law. Even before the convening of the 1993 World Conference on Human Rights, Armenia had already become party to most of the international human rights instruments and was one of the first of the republics of the former Soviet Union to do so.

75. When participating in various activities relating to humanitarian law, his delegation had found it difficult to understand why other States had failed to adhere to international human rights instruments. In that connection, it wished to pay tribute to the work of the High Commissioner for Human Rights, who was playing an important role in helping to remove obstacles to the full enjoyment of and respect for human rights. It appreciated the High Commissioner's decision to improve the coordination of efforts and thus the efficiency of activities carried out in the framework of international agreements. In that connection, the Centre for Human Rights, by providing advice, analysis and information, had a crucial role to play in promoting and protecting human rights.

76. The fact that some of Armenia's neighbours had not yet become parties to various international human rights instruments was not entirely coincidental, particularly in the case of instruments such as the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination.

77. He wished also to stress the importance of resolution 1994/11 on Strengthening the prevention and punishment of the crime of genocide, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session. His delegation supported all measures aimed at extending the scope of the Convention and making it universally acceptable.

78. April 1995 marked the eightieth anniversary of the first genocide of the twentieth century - the genocide of Armenians in the Ottoman Empire in 1915, during which 1.5 million of his compatriots had lost their lives. He wished to express his gratitude to the international institutions, Governments and parliaments which had condemned that crime.

79. It was unfortunate that conditions which might give rise to genocide still existed. The situation in Nagorno Karabakh, for example, could have serious consequences of that nature, unless attempts were made to prevent further force and to resolve the conflict by peaceful means. The Secretary-General had recently stated that the situation remained tense in Azerbaijan and Nagorno Karabakh and that there were no guarantees that the cease-fire, which had lasted several months, would continue indefinitely.

80. He hoped that the United Nations Decade on Human Rights would inspire States to move forward on the path of human rights, in particular by becoming parties to the relevant international instruments and by incorporating the provisions of those instruments into their domestic legislation.

81. Mr. HAFIANA (Observer for the Libyan Arab Jamahiriya) said that the developing countries had been denied the right to balanced development, by which he meant political and social stability combined with the alleviation of unemployment, poverty, low growth rates and inflation. The reason was that international relations were characterized by subordination and dependency, with a minority of powerful countries influencing the course of international events. A radical qualitative change was necessary in relations between the North and South in order to eliminate or at least alleviate the existing imbalance.

82. The developing countries were caught between the need to ensure decent living conditions for their population and pressure to comply with the stiff conditions imposed by international financial institutions, particularly the International Monetary Fund (IMF), in order to deal with the burden of debt servicing and repayment. International financing, in the form of loans, aid or grants, which was supposed to help them to implement development programmes, increase growth rates and improve commodity prices and the terms of trade, was actually fomenting political and social unrest.

83. As noted in paragraph 37 of the report of the Working Group on the Right to Development (E/CN.4/1995/27), the economic model on which structural adjustment programmes were based had contributed to a further concentration of wealth and power, on the one hand, and to the further marginalization and exclusion of the poor, on the other. That economic model was based on a number of assumptions and primarily required unquestioning allegiance to the concept of a market economy based on greed and fraught with dangers arising from its manifest shortcomings.

84. Every loan or aid programme, particularly those of the IMF, imposed a policy of price liberalization, the elimination of subsidies on commodities on which large sectors of the population were dependent for their survival and the reduction of expenditure on social programmes, giving precedence instead to investment in light consumer industries and to the mobility of capital and profits. The developing countries had been turned into guinea-pigs for such experiments.

85. Secondly, structural adjustment programmes called for political pluralism, the Western model of democracy. The resulting plethora of political parties was a source of instability and an obstacle to national unity. The defects of the national State inherited from colonial times were being compounded by social and political Balkanization, with its concomitants of tribal, ethnic and religious strife.

86. The unilateral imposition of such coercive measures as economic sanctions and no-fly zones and the freezing of the assets of developing countries held in Western banks were a major obstacle to enjoyment of the right to development and violated the Charter of the United Nations and the principles of international law.

87. The sanctions imposed on his country pursuant to Security Council resolutions 733 (1992), 748 (1992) and 883 (1993) had inflicted untold damage on the Libyan economy. Losses in the agricultural and industrial sectors amounted to several billion United States dollars. In the health sector, there was a shortage of vaccines, drugs for cancer treatment and reagents for laboratories. Injuries and fatalities due to traffic accidents had risen astronomically owing to the increased road traffic necessitated by the air embargo. Permission for emergency air evacuation was delayed or sometimes refused owing to the intransigence of the Security Council Committee concerned.

88. The Charter of the United Nations was being misinterpreted and applied selectively to serve the interests of certain members of the Security Council. There was no justification for the application of the provisions of Chapter VII to his country. Despite his Government's cooperation with a view to the implementation of resolution 733 (1992) and international and regional attempts to settle the dispute while preserving respect for national sovereignty and legislation, the United States and the United Kingdom still insisted on the extradition of two nationals of a State with which they had no extradition treaty. In reality, they were not concerned to establish the facts of the Lockerbie case but rather to usurp his country's strong strategic position and control its oil resources.

The meeting rose at 5.40 p.m.